

### AFFIDAVIT AND ASSIGNMENT

I, John B. Ballard, after having been sworn, testify and state the following facts and make the following assignment:

1. I have owned and operated a restaurant in Pauls Valley, OK continuously since 1951.
2. I began using the Rex trademark reflected in Exhibit A in 1977 as a franchisee.
3. I have used that trademark as a franchisee in the operation of my restaurant continuously since 1977.
4. For \$10 and my long-standing appreciation, relationship, loyalty and friendship with the owners of the Rex Chicken restaurant franchise in accordance with my Franchise Agreement dated May 4, 1977 and for other good and valuable consideration, I hereby assign all rights I may have in the "Rex" trade marks, along with any and all good will I have in those trademarks, to Dollie McFarland and her children, Terri McAuliff and Joe R. Johnson, subject to my continued right to use that trademark in my business.

Subscribed and sworn on <sup>April</sup>~~March~~ 9, 2010.

*John B. Ballard*  
9-April-10

*[Signature]*  
Notary Public in and for ~~Cherokee~~ <sup>Cherokee</sup> County, OK  
My Commission expires 6/18/13  
My Commission number is 09004898

*4/9/2010*

